

*STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION*

# ***AGENDA***

*Wednesday, April 9, 2003  
9:00 a.m.*

<p><b>City of Laguna Beach City Council Chambers 505 Forest Ave. Laguna Beach, California</b></p>
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 26, 2003, and should indicate the agenda item to which it is applicable.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff.

Written material submitted after 5:00 P.M. on Wednesday, April 2, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board.

*PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: [rbagenda@rb9.swrcb.ca.gov](mailto:rbagenda@rb9.swrcb.ca.gov). Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 26, 2003.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of*

*order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of March 12, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 and 6 are considered non-controversial issues.***

***(NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. NPDES Permit Revision: John Van Tol, T.D. Dairy, San Diego County (tentative Addendum, No. 1 to Order No. 2001-0028, NPDES Permit No. CA0109339) (*Whitney Ghoram*)
6. Authorization for the Executive Officer to Sign a Site Remediation Agreement Under the Polanco Act (California Health and Safety Code Sections 33459 et seq.) for Cleanup and Abatement of Groundwater Pollution from the Former Omar Rendering Facility (*Brian McDaniel*)

***Remainder of the Agenda (Non-Consent Items):***

7. NPDES Permit: Waste Discharge Requirements for U.S. Navy, Naval Base Coronado, San Diego County: an NPDES permit regulating industrial storm water and point source discharges of wastes to San Diego Bay and the Ocean from various activities including ship repair, pier boom cleaning, and manhole dewatering (tentative Order No. R9-2003-0169, NPDES Permit No. CA0109185) (*Paul Richter*)
8. Status Report: County of San Diego's Implementation of the San Diego MS4 Stormwater Permit as the Principal Co-Permittee. (*Phil Hammer*)
9. Status Report on the progress of the MS4 Permittees in the Aliso Creek Watershed to identify and eliminate sources of elevated levels of bacteria in Aliso Creek as specified by the Regional Board 13225 Directive as modified on May 9, 2001. (*Robert Morris*)
10. Status Report on the progress of the County of Orange and the City of Laguna Niguel to comply with Cleanup and Abatement Order No. 99-211 for discharges of high fecal bacteria from storm drain outfall "J03P02" (*Jeremy Haas*)
11. Informational briefing by Orange County MS4 Permittees on the status of their storm water program (*Robert Morris*)

12. *Executive Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*, United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS)

*Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board* Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516

*San Diego Baykeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego*; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR)

13. *Executive Session* - Consideration of Initiation of Litigation

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

14. *Executive Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation.

15. *Executive Session* - Personnel

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

16. Arrangements for Next Meeting and Adjournment

Wednesday, May 14, 2003 - 9:00 a.m.

Water Quality Control Board

Regional Board Meeting Room

9174 Sky Park Court

San Diego, California

***Notification***

Corrective Action Plan Addendum for Leaking Underground Fuel Tank site Budget Trade & Gas, 510 West 5th Avenue, Escondido. On March 13, 2003, staff received an Addendum to the January 30, 2001 Corrective Action Plan (CAP). The addendum proposes high-vacuum dual-phase extraction to reduce petroleum hydrocarbon concentrations in soil and ground water. This remediation will also control plume migration of free phase and dissolved phase petroleum. The case files are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the proposed addendum to the CAP. (*Sue Pease*)